

REMARKS

Claims 1-3, 5-6 and 8-12 are pending in this application. By this Amendment, claims 1 and 8 are amended, claims 4 and 7 are canceled, and claims 10-12 are added. No new matter is added. Support for the changes to claims 1 and 8 may be found, for example, in paragraphs [0007]-[0009], [0012]-[0013], and [0025] and original claims 4 and 7. Support for new claims 10-12 may be found in the same sections cited for claims 1 and 8, as well as MPEP 2173.05(i) regarding negative limitations. (*See particularly*, the discussion of *Ex parte Parks*, 30 U.S.P.Q.2d 1234, 1236 (Bd. Pat. App. & Inter. 1993) standing for the proposition that adequate description under 35 U.S.C. §112, first paragraph does not require literal support; the description is sufficient if the originally-filed disclosure would have conveyed to one of skill in the art that applicant has possession of the concept of what it claimed.)

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Shosho in the May 11, 2007 telephonic interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks. More particularly, in reviewing the Interview Summary mailed May 16, 2007, Applicant respectfully submits that several of the arguments presented by Applicant's Representative have been mischaracterized in the Interview Summary. These include the statements where the Examiner represents that Applicant's Representative argued that the acrylic polymer is used in the black ink. As seen by the claims, the acrylic polymer is used in only the colored ink. Applicant further submits that there is sufficient support for the negative limitation (i.e., non-acrylic resin particles) used in claim 10 from the use of specifically identified types of resin particles for the first resin particles in paragraph [0015] and the identification of acrylic resin particles for use as the second resin particles in paragraph [0025].

Claims 1-3 and 5-9 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,540,329 to Ma et al. ("Ma") in view of either Freeman et al., U.S. Patent No. 6,716,912 or Arita et al., U.S. Patent No. 6,695,443 and Ohta et al., U.S. Patent No. 5,954,866. Claim 4 stands rejected under 35 U.S.C. §103(a) over Ma in view of either Freeman or Arita and Ohta, and further in view of Carlson et al. U.S. Patent No. 6,136,890. These rejections are respectfully traversed.

Claim 1 is directed to ink set comprising a black ink and a color ink that is different from the black ink. Claim 1 recites, in pertinent part, the black ink comprises ... first resin particles having carboxyl groups, ... the first resin particles comprising at least one member selected from the group consisting of polyester resin particles, polyurethane resin particles, and polyolefin resin particles ... and the pH of the black ink is not less than 7.8. Claim 1 also recites, in pertinent part, the color ink comprises ... second resin particles ... comprising only acrylic resin particles and the pH of the color ink is not more than 4.5.

As discussed during the interview, the various combinations of Ma and Freeman, Ma, Arita and Ohta, and Ma, Freeman/Arita/Ohta, and Carlson fail to teach or suggest an ink set including a black ink and a color ink, in which the color ink is different from the black ink. While Ma is directed to an ink set in which four different inks are described having different constituents, the four secondary references do not teach or suggest ink sets in which a color ink is different from a black ink. The Office Action cites the secondary references for teaching the use of a specific constituent for a particular use. More particularly, Freeman teaches the use of methacrylic acid as a binder "in order to improve the resistance of the ink to dry smear and wet rub and to improve highlighter resistance of the ink" (*see* Office Action, page 3.) Arita discloses the use of acrylic resin particles "in order to promote fixation of the colorant into substrate" (*see* Office Action, page 4.) Ohta teaches that acrylic resin particles are well known and can be obtained from acrylic acid (*see* Office Action, page 4.)

Carlson discloses the use of polyurethane comprising carboxyl groups "in order to minimize aggregation and flocculation of pigment" (*see* Office Action, page 5.) In view of these general teachings directed to all types of inks, a person of ordinary skill in the art would not be motivated to include a particular constituent in one ink and not in another.

Because the various combinations of Ma with the four secondary references Freeman, Arita, Ohta, and Carlson fail to teach or suggest all features of claim 1, withdrawal of the 35 U.S.C. §103(a) rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:LES/ccs

Attachment:
Petition for Extension of Time

Date: June 14, 2007

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